

Governor's Bill No. 6848, and Proposed Bills No. 650 and 6962 public hearing 3/11/2015

Regarding Governor's Bill No. 6848, and Proposed Bill No. 650:

The proposed bills, each seeking to protect assumed or presumptive victims of domestic violence fail to adequately safeguard the rights of the accused and equally fail to provide full and complete return of valuable personal property to the exonerated!

In the case of the Governor's bill, no provision is made for the return of "black rifles" or extended capacity magazines, those subject to the ban imposed by Public Act 3-13 and prior statute. No timeframe is mandated for the return of property, nor is there a timeframe for return of the Carry permit if it is required to be surrendered. Return of the permit is subject to the whim of the police, and a review hearing in front of the Firearms Permit Board of Examiners is now running close to 29 months backlogged. This effectively deprives the owner of a permit from the right to exercise it for over 2 years!

This is blatantly in violation of the accused rights.

No one wants ineligible persons to possess weapons, but due process MUST remain in place.

First, the right to retain property except on judicial review, and later to have property, ALL property returned in an expeditious manner should charges and accusations be found to be unwarranted MUST be protected.

In the case of "650", there is clear and obvious potential for false accusations, especially where one party in a domestic dispute simply wants to harass the other. False accusations, mixed with real accusations can only be separated by due process. Many cases are documented where false accusations are levied, and the accuser faces no penalty. Over 45% of all TRO are DISMISSED during the hearings. In "650", the damage to the falsely accused is increased exponentially, given the high value of the personal properties seized. In the case where an accusation is justified, the focus must be on accelerated due process where a proper judicial order is issued prior to seizing personal property.

Finally, the statements of others with examples of 26 people would have been 'protected' under any of these bills is a total fabrication. Out of the 26 named in the 2014 and the 2013 Domestic Violence Fatality Review Reports, NONE of the deaths with firearms happened while under a 14 day temporary order. See references:

<http://www.ctcadv.org/files/2913/8145/2606/2013DVFRcreport.pdf>

http://www.ctcadv.org/files/9614/0656/3514/2014_Fatality_Review_Report.pdf

To repeat, a little under half of the TRO's signed by judges are subsequently DISMISSED at the hearing. This means collecting the legally owned firearms and valid carry permits individuals for NO REASON in almost half the cases. These are people who have committed NO CRIME.

Consider this; a truly violent person needs no firearm to act on their violent intent. This bill will not help those truly in danger. A violent person will act, regardless of choice of weapon. Case law proves that. For those denied due process and falsely accused, there must be severe penalties for the individual making such false accusations, and specific timeframes ordered for authorities to return all property and rights without delay. Municipalities must face fines for failure to return property and permits when a temporary order is made null.

For orders that are found to be proper, current statute is adequate.

Regarding the gun storage bill #6962:

No one wants a firearm in the wrong hands, but your definition of "wrong" needs to remain specific as it is in the current law.

Under present law, anyone residing in a home not specifically prohibited by statute to possess a firearm has a right to possess. A RIGHT to possess! A firearm is the property of an individual, but all eligible people in a residence have a right to possess and use legitimately under certain circumstances.

The wording "No person shall store" implies a person, singular, presumably the individual owner... and then goes on to require mechanisms of control to prevent those in the home from acquiring access. Prior to 13-3, the restricted persons were minors. Extending this to specifically cover "any otherwise ineligible person or anyone who poses a risk" seems reasonable, as these are folks we don't want to have access to firearms.

This is fully adequate! Changing the wording as proposed to "another person" as stated may preclude allowing access to a family member like a spouse, or a visitor who may even be a permit holder. Adding the phrase "storing or keeping the firearm" is fully redundant, not needed, and only serves to confuse literal reading of the law.

In the other references where specifically ineligible persons are noted and replaced with “any other person”, the law becomes overly restrictive, does nothing to enhance actual and responsible storage of firearms, and makes it unclear that there are rights enumerated in other statute and the State Constitution.

Laws need to clarify, not obfuscate. However intended, the wording as proposed obfuscates.

Finally, the owners of firearms who have their guns appropriated via criminal acts, such as a house break-in or other theft should NOT be held responsible for the uses and end results that the criminal makes of the firearms. This is consistent with the principle that people who have their car’s stolen are not responsible for the crimes committed or damages done by the car thief.

Sincerely,
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